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U.S. Serial No. 10/003,910

Filed: November 1, 2001

Adams et al.

Attorney Docket No.: 29912-704.201

Attached for filing in the above-identified patent application are:

Status Inquiry

Remarks and History of Telephone Inquiries

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## PATENT

Attorney Docket No. 29912-704.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application	)	<u>PATENT APPLICATION</u>
Inventor(s): Adams et al.	)	Confirmation No.: 7716
Application No.: 10/003,910	)	Art Unit: 3732
Filed: November 1, 2001	)	Examiner: S. Getzow
Title: FOCUSED COMPRESSION MITRAL VALVE DEVICE AND METHOD	)	Customer No.: 021971

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATUS INQUIRY

Sir:

No communication has been received from the U.S. Patent and Trademark Office in response to a REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL that was filed on April 7, 2004 for the above-noted patent application. Applicants respectfully request that they be informed of the current status of this application, in view of the following remarks.

REMARKS

Applicants filed an Information Disclosure Statement (IDS) on April 2, 2004. Shortly thereafter, Applicants received a Notice of Allowance dated March 15, 2004. To ensure that the references cited in the previously filed IDS were properly considered by the Examiner in view of the Notice of Allowance received subsequent to the IDS filing, on April 7, 2004 Applicants filed a Request for Continued Examination (RCE) in conjunction with an IDS identical to the IDS filed on April 2, 2004.

Applicants received a Supplemental Notice of Allowance dated (mailed) September 3, 2004 which acknowledged the IDS filed April 2, 2004, and in which the Examiner initialed the PTO/SB/08 forms as appropriate. However, the Examiner did not acknowledge the RCE filed April

7, 2004, and did not issue a new Notice of Allowance, as would be required in view of the request for continued examination. Thus, Applicants have submitted a bona fide request for continued examination and paid the associated fee, which has been acknowledged as received in the USPTO and appears in PAIR, yet no further action has been issued by the Examiner.

Several attempts have been made to contact the Examiner and point out this error, however the Examiner merely indicated that he would attend to the RCE in approximately two years. Subsequent attempts to contact the Examiner's supervisor have not yielded any additional information or action. Applicants do not find such a significant delay in prosecution to be reasonable or necessary, especially in view of the fact that the case has already been allowed once, and respectfully request that action be taken on the request for continued examination.

The following is a chronological listing of Applicants attempts to determine the status of the present application, and the results of each contact.

#### History Of Phone Contact To USPTO

**January 5, 2004** – Contacted Examiner Getzow regarding the status this application. His response was that he would not be able to get to it for at least two years.

**January 6, 2004** -- Contacted Examiner Getzow the following day to explain to him further that he had already issued a Notice of Allowance and that all that was needed for him take action on the Request for Continued Examination filed April 7, 2004, and issue a new Notice of Allowance setting a new period for response (i.e., Issue Fee payment). The Examiner still maintained that he would not be able to look at it for at least two years.

**January 6, 2004** -- Contacted Examiner Getzow's supervisor, Angela Sykes, and left a voicemail explaining the situation. She left a return voicemail saying that the file had not yet been matched with the RCE and the file was in the publications branch.

**January 27, 2005** – Contacted Publications branch and spoke to Donahue Elliott, who indicated that the file was with the contractors. Mr. Elliott indicated that he would e-mail the contractors and let them know that an RCE had been filed and that they should contact the Examiner to let him know so that he could respond to it..

**February 4, 2005** – Contacted Publications branch and spoke to Camilla Rogers. She noted that an e-mail had been sent notifying the Examiner that an RCE had been filed which he has not responded

to or taken action on. Ms. Rogers put a Special Handling on this file which was forwarded to a Processing Control Specialist for follow-up.

**February 24, 2005** – Contacted Publications branch to follow up on special handling of this application file. Camilla Rogers reported that her supervisor, Nina Motley e-mailed the contractors on February 10, 2005 and February 15, 2005 and received no response. She said to call her back in a few days to see if there has been any response.

**March 2, 2005** – Contacted Publications branch and spoke to Camilla Rogers. She reported that her supervisor, Nina Motley, advised her that the contractors are going to respond to our status inquiry and to call her back in a few days.

**March 7, 2005** -- Contacted Publications branch and spoke to Camilla Rogers. She reported no response from the contractors and that her supervisor Nina Motley sent an e-mail to Quality Control and that we would be contacted in a few days with results.

**March 18, 2005** -- Nina Motley of the publications branch contacted us and reported that the application was with the contractors and was ready for issuance except that the issue fee had not been paid. We explained to her that we had filed an RCE in April of 2004, and described the previous conversations with the Examiner. She said she would send an e-mail to the contractors and let them know that the Examiner needs to respond to the RCE, and indicated that she said she would call back that day.

**March 24, March 28, and March 30, 2005** – Contacted Nina Motley leaving voice mails regarding our March 18, 2005 conversations and have not heard back.

#### CONCLUSION

In view of the foregoing, Applicants respectfully request that they be informed of the current status of this application, and be provided a reasonable time frame in which to expect action by the Examiner on the RCE filed April 7, 2004. In view of the significant delay in prosecution already incurred since filing the RCE, Applicants request expedited action on this Status Inquiry, and issuance of a Notice of Allowance.

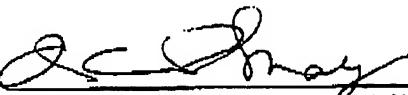
Should any additional information be required by the Examiner, or any further submission or fees be deemed necessary to further prosecution in this application, the Office is encouraged to contact the undersigned Attorney of record via telephone for immediate resolution.

The Commissioner is authorized to charge any additional fees due in connection with this application, including Petition fees and extension of time fees, to Deposit Account No. 23-2415, and to credit any overpayment to Deposit Account No. 23-2415.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: 4/4/05

By   
James R. Shay, Reg. No. 32,062

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